

GOLDSTEIN HALL PLLC

Attorneys for Defendant
*New York State Homeless
Housing and Assistance Corporation*

80 Broad Street, Suite 303
New York, New York 10004

Tel: (646) 768-4127

Fax: (646) 219-2450

By: Brian J. Markowitz (BM-9640)
bmarkowitz@goldsteinhall.com
Daniel Goldenberg (DG-1337)
dgoldenberg@goldsteinhall.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL UNDERWOOD

Plaintiff,

-against-

TAFSC HOUSING DEVELOPMENT FUND
CORPORATION, THE THIRD AVENUE FAMILY
SERVICES CENTER, INC., LINDA WASHINGTON,
CITY OF NEW YORK, AND NEW YORK STATE
HOMELESS HOUSING AND ASSISTANCE
CORPORATION,

Defendants.

Case No.: 18-CV-06664 (JPO)

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that upon the annexed Declaration of Brian J. Markowitz, dated November 14, 2018, and the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Defendant's New York State Homeless Housing and Assistance Corporation ("NYSHHAC") Motion to Dismiss the Complaint as Against NYSHHAC, dated November 14, 2018, and upon all the papers and proceedings previously had herein, NYSHHAC will move this Court at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York 10007, before the Honorable J. Paul Oetken, United

States District Court Judge, at a time and date to be designated by the Court, for a judgment, pursuant to Fed. R. Civ. P. 12(b)(1) and (6), dismissing the Complaint against NYSHHAC because this Court lacks subject matter jurisdiction over Plaintiff's claims against NYSHHAC, pursuant to the U.S. Const. Amend. XI. and the Complaint fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's order dated October 30, 2018, Plaintiff's opposition is due on or before November 28, 2018, and NYSHHAC's reply is due on or before on or before December 5, 2018.

Dated: New York, New York
November 14, 2018

GOLDSTEIN HALL PLLC

By: /S/ Brian J. Markowitz
BRIAN J. MARKOWITZ, ESQ.
DANIEL GOLDENBERG, ESQ.
Attorneys for Defendant
New York State Homeless Housing and
Assistance Corporation
80 Broad Street, Suite 303
New York, New York 10004
Tel. (646) 768.4105
Fax. (646) 219.2450

cc: **VIA ECF**

Abdul Hassan, Esq.
Attorneys for Plaintiff
215-28 Hillside Avenue
Queens Village, New York 11427

Elizabeth Robins, Esq.
Attorneys for Defendant, The City of New York
New York City Law Department
100 Church Street
New York, New York 10007